

# DAILY NEWS

March 17, 2016

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**FILED**  
IN CLERK'S OFFICE  
U.S. DISTRICT COURT E.D.N.Y.  
★ MAR 17 2016 ★  
BROOKLYN OFFICE

Honorable Nina Gershon  
U.S District Court, Eastern District  
225 Cadman Plaza East  
Brooklyn, NY

Dear Judge Gershon,

I'm writing as a reporter for the New York Daily News to request that you publicly release a sentencing memo filed under seal last October by the U.S. Attorney in U.S. vs. George Armstrong, 11 CR 681.

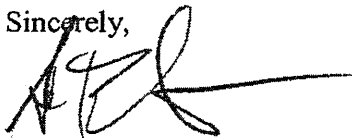
According to the public docket, Assistant U.S. Attorney Daniel Spector filed this memo on two days, Oct. 8 and 15, prior to Armstrong's Oct. 21 sentencing. As you know, sentencing memos are universally filed publicly in the spirit of transparency that is the bedrock of the U.S. court system. The presumption of openness applies in particular here because the defendant, Armstrong, was a cooperating witness for the government in its broad-reaching investigation of public corruption on the New York City Department of Housing Preservation & Development.

It's clearly in the public interest to be allowed to review the government's description of Armstrong's history and what, if any, benefit he provided to the U.S. Attorney's office prosecution of Wendell Walters, a former top official of the city Department of Housing Preservation & Development, and others in exchange for a lenient sentence (in this case five years' probation).

Hiding this information from public view undermines the integrity of both the government's decision to use Armstrong as a witness/informant, as well as your decision to sentence him to probation only. This is particularly true in that this prosecution involved an outrageous and longstanding abuse of the public trust by Walters, Armstrong and a host of other developers and contractors involved in the crucial business of building much-needed affordable housing in New York City.

We do not object to redactions regarding specific matters in which Armstrong continues to be used as a government witness/informant, but the remainder of the government's memo must be placed where it belongs - in the public record. If you have any questions, please feel free to call me at 917 685-5580 or the Daily News' attorney, Matthew Leish, at 212 210-2144. Thank you for your attention on this matter.

Sincerely,

A handwritten signature in black ink, appearing to be 'G. B. Smith', with a long horizontal line extending to the right.

Greg B. Smith  
New York Daily News

cc: Matthew Leish, Esq., VP & Deputy General Counsel